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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/412,114	03/28/1995	ZBYLUT J. TWARDOWSKI	08366.0005-00000	4355
	7590 07/06/2009 GAN, HENDERSON, FARABOW, GARRETT & DUNNER		EXAMINER	
LLP			MENDEZ, MANUEL A	
901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ART UNIT	PAPER NUMBER
			3763	
			MAIL DATE	DELIVERY MODE
			07/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	08/412,114	TWARDOWSKI ET AL.	
Office Action Summary	Examiner	Art Unit	
	Manuel A. Mendez	3763	
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet with the	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory perion.  - Failure to reply within the set or extended period for reply will, by stat Any reply received by the Office later than three months after the may earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO 1.136(a). In no event, however, may a reply be tile od will apply and will expire SIX (6) MONTHS from tute, cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).	
Status			
1)⊠ Responsive to communication(s) filed on <u>06</u> 2a)□ This action is <b>FINAL</b> . 2b)□ This action is application is in condition for allow closed in accordance with the practice under the practice.	his action is non-final. vance except for formal matters, pr		
Disposition of Claims			
4) ☐ Claim(s) 1 and 19-76 is/are pending in the a 4a) Of the above claim(s) is/are withd 5) ☐ Claim(s) 1 and 19-76 is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and	rawn from consideration.		
Application Papers			
9) The specification is objected to by the Exami 10) The drawing(s) filed on is/are: a) a Applicant may not request that any objection to the Replacement drawing sheet(s) including the corn 11) The oath or declaration is objected to by the	ccepted or b) objected to by the he drawing(s) be held in abeyance. Se ection is required if the drawing(s) is ob	e 37 CFR 1.85(a). ejected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for forei  a) All b) Some * c) None of:  1. Certified copies of the priority docume  2. Certified copies of the priority docume  3. Copies of the certified copies of the priority docume  application from the International Bure  * See the attached detailed Office action for a light	ents have been received. ents have been received in Applicat riority documents have been receiv eau (PCT Rule 17.2(a)).	ion No ed in this National Stage	
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date 05/06/2009, 10/14/2008, and 03/28/19	4)  Interview Summary Paper No(s)/Mail D 5)  Notice of Informal F 996. 6) Other:	ate	



Application No.

Art Unit: 3763

## **DETAILED ACTION**

## Allowable Subject Matter

Claims 1 and 19-76 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject

## matter:

In relation to **claim 1**, the prior art of record does not disclose or suggest, a catheter for hemodialysis which comprises a flexible catheter tube defining a plurality of separate lumens, said catheter defining an arc angle of generally U-shape in its natural, unstressed configuration, whereby said catheter may be implanted with a distal catheter portion residing in a vein of a patient, said distal catheter portion being of substantially the shape of said vein in its natural, unstressed condition, and a proximal catheter portion residing in a surgically created tunnel extending from said vein and through the skin of the patient, whereby blood may be removed from said vein through one lumen of the catheter and blood may be returned to said vein through another lumen of the catheter.

In relation to **claim 19**, the prior art of record does not disclose or suggest, a flexible catheter for prolonged vascular access, the catheter comprising: an elongate flexible and tubular body having a proximal portion, a distal portion and a permanently curved portion linking the proximal and distal portions so that the curved, the proximal and the distal portions lie naturally in essentially the same plane with the angle contained between the proximal and distal portions being less than 90°, and a septum extending continuously through said portions and lying substantially at right angles to said plane to divide the tubular body into generally D-shaped intake and outlet lumens; intake and outlet tubes coupled to the proximal portion at a proximal end of the body remote from the curved portion to receive incoming fluid from the intake lumen and to supply outgoing fluid to the outlet lumen; and a tip formed on the distal end of the distal portion and including at least one intake opening for receiving the incoming fluid and at least one outlet opening for returning the outgoing fluid.

Finally, in relation to **claim 38**, the prior art of record does not disclose or suggest, a flexible catheter for prolonged vascular access, the catheter comprising: an elongate flexible and tubular body having a proximal portion, a distal portion and a permanently curved portion linking the proximal and distal portions so that the curved, the proximal and the distal portions lie naturally in essentially the same plane with the angle contained between the proximal and distal portions being less than 90°; intake and outlet tubes coupled to the proximal portion at a proximal end of the body remote from the curved portion to receive incoming fluid from the intake lumen and to supply outgoing fluid to the outlet lumen; and a tip formed on the distal end of the distal portion

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and including at least one intake opening for receiving the incoming fluid and at least one outlet opening for returning the outgoing fluid.

## Conclusion

This application is in condition for allowance except for the following formal matters:

On the final review to place this application in condition of allowance, the new examiner of record noticed that there is a pending objection to the drawings dated December 28, 1995. It appears that the draftsman concluded that the margins of the drawings submitted on March 28, 1995; do not comply with the specified margin requirements. Accordingly, submittal of new drawings is hereby respectfully requested.

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel A. Mendez whose telephone number is 571-272-4962. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3763

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manuel A. Mendez/

Primary Examiner, Art Unit 3763

Manuel A. Mendez Primary Examiner Art Unit 3763

MM